IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
REVIEW PETITION NO.98 OF 2005
IN
WRIT PETITION NO.4773 OF 2003

Dr.Murlidhar D. Warunjikar & anr. .. Petitioners
v/s.
State of Mah. & ors. .. .. Respondents

Mr.U.P. Warunjikar for petitioners.
Mrs.M.P.Thakur, AGP for res.Nos.1 & 2.
Mr.P.B.Shah for res.No.3.

CORAM : H.L. GOKHALE &
SMT.R.S.DALVI, JJ.

DATED : 29th March 2006

P.C. :

1. Heard the learned Counsel for the parties.

2. The Petition seeks review of the order passed by this Bench on 23rd June 2005. A submission is made that what is stated in para-2 of the order is not correct. In para-2 of our order we have observed that the petitioner is mixing up the issue of zoning which was done in 1977 and preparation of actual plan which was done in September 2001.

3. Mr.Warunjikar, learned Counsel appearing for the petitioners, has drawn our attention to the affidavit of one Mr.M.S. Nikam, Chief Officer of respondent No.3-Satara Municipal Council. In

para-4 thereof, he has stated that the first modified development plan included this particular parcel of land for a particular purpose in March 1977 and that it came to be implemented in May 1977. Mr.Warunjikar, therefore, submits that there is an error in the order passed by the Court.

4. We accept that there is an error as pointed out by Mr.Warunjikar but the sequitur of the submission is that the Municipal Council was expected to take necessary steps under Section 127 of the M.R.T.P. Act within six months from giving of the notice.

5. Mr.Shah, learned Counsel appearing for the Satara Municipal Council, has pointed out that in para-9 of that very affidavit it has been stated that after issuance of the Purchase Notice dated 14th June 2002 a resolution bearing No.170 was passed on 27th September 2002 to acquire the concerned parcel of land and it had been forwarded to the Collector on 11th February 2003. The concerned Section 127 provides that if within six months from the date of service of the notice the land is not acquired or no steps, as aforesaid, are commenced for its acquisition, the reservation

will lapse. In the present case, the necessary steps of passing resolution was taken within the specified period and, therefore, on that count there is no occasion to interfere with the acquisition by the Municipal Council.

6. There is, however, some force in the submission of Mr.Warunjikar that though this resolution has been passed way back in 2002, further proceedings to acquire are still pending. Therefore, though this is a Review Petition and there is no reason to recall the order passed by us, we add that the State and the Satara Municipal Council shall proceed expeditiously to complete the proceedings, preferably within six months i.e. by end of September 2006.

7. Review Petition stands disposed of with the above order.

(H.L. GOKHALE, J.)

(SMT.R.S.DALVI, J.)